BRITISH COLUMBIA

MINISTRY OF LABOUR

ANNUAL REPORT

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To The Honourable Garde B. Gardom
Lieutenant Governor
Province of British Columbia

May It Please Your Honour:

It is my pleasure to submit to you the annual report of the Ministry of Labour of the Province of British Columbia for the period April 1, 1998 to March 31, 1999.

Honourable Joy MacPhail
Minister of Labour

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To Honourable Joy MacPhail
Minister of Labour
Province of British Columbia

Minister:

I have the honour to submit the annual report of the Ministry of Labour for the fiscal year beginning April 1, 1998 and ending March 31, 1999.

Tony Penikett
Deputy Minister
Ministry of Labour

100-07086/

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Ministry Mandate

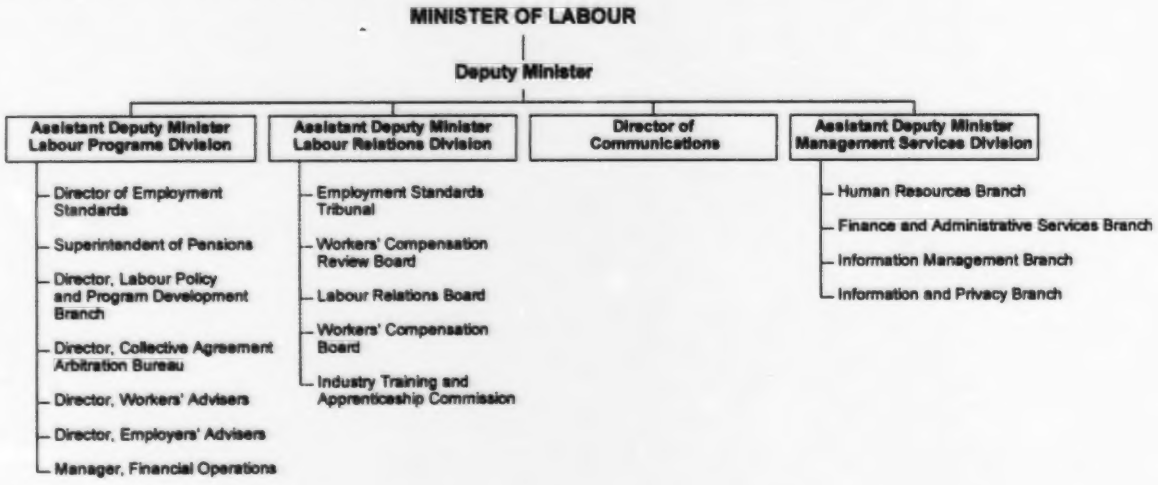
The mandate of the Ministry of Labour is:

- *To promote harmonious relationships between employers and workers.*
- *To ensure that workers enjoy basic standards of working conditions and compensation, and healthy and safe working conditions.*
- *To ensure that employment pension plans meet basic standards in providing retirement income for workers and retired persons.*
- *To promote workplace-based apprenticeship training to ensure that British Columbians have the skills necessary for jobs.*
- *To provide necessary and appropriate support and direction to the independent agencies and crown corporations which are the responsibility of the Minister.*

BRITISH COLUMBIA

Ministry Organization

Effective March 31, 1999


MINISTER OF LABOUR
Deputy Minister
Assistant Deputy Minister Labour Programs Division
Director of Employment Standards
Superintendent of Pensions
Director, Labour Policy and Program Development Branch
Director, Collective Agreement Arbitration Bureau
Director, Workers' Advisers
Director, Employers' Advisers
Manager, Financial Operations
Assistant Deputy Minister Labour Relations Division
Employment Standards Tribunal
Workers' Compensation Review Board
Labour Relations Board
Workers' Compensation Board
Industry Training and Apprenticeship Commission
Director of Communications
Assistant Deputy Minister Management Services Division
Human Resources Branch
Finance and Administrative Services Branch
Information Management Branch
Information and Privacy Branch

Ministry of Labour Budget ($000's)

	1997/98		1998/99		1999/2000	
	Actual	**FTEs**	**Actual**	**FTEs**	**Budget**	**FTEs**
LABOUR RELATIONS AND LABOUR PROGRAMS						
Administration (inc. Ministry Executive)[1]	4,057	27	3,091	20	3,533	23
Communications	347	3	248	3	326	4
Employment Standards	10,220	137	9,761	140	9,700	135
Skills Development & Fair Wage Team			733	15	707	14
Employment Standards Tribunal	649	4	661	4	723	5
Pension Standards	536	8	571	8	629	8
Collective Agreement Arbitration Bureau	238	3	146	3	157	2
Policy & Legislation	727	10	671	10	649	10
Total	**16,774**	**192**	**15,882**	**203**	**16,424**	**201**
INDUSTRY, TRAINING & APPRENTICESHIP COMMISSION[2]	25,461	89	26,226	[3]	-	
LABOUR RELATIONS BOARD	7,698	86	7,701	86	7,620	86
WORKERS' COMPENSATION REVIEW BOARD (WCRB) AND COMPENSATION ADVISORY SERVICES						
WCRB	7,771	100	7,848	100	8,094	100
Workers' Advisers	2,785	40	2,954	40	3,049	40
Employers' Advisers	1,526	20	1,605	20	1,630	20
Communication/Data Systems	677	n/a	746	n/a	611	n/a
Recoveries	(12,758)	n/a	(13,152)	n/a	(13,383)	n/a
Total (Net of Recoveries)	1	160	1	160	1	160
MINISTRY TOTAL	**49,934**	**527**	**49,810**	**452**	**24,045**	**447**

1 Central support such as Human Resources, Financial Services, Information Management and FOI/Records Management, are provided by the Ministry of Education.

2 Reflects the transfer of the post-secondary technical training programs.

3 Beginning in 98/99 funds will be transferred to the Industry, Training & Apprenticeship Commission. FTE's are no longer counted in the Ministry's allocation.

Ministry Highlights: 1998/1999

Employment Standards in High Technology

In April 1998 - a three-person committee was appointed to review the impact of employment standards legislation on professionals in high-technology industries.

The committee included Charles Kang, deputy minister of employment and investment; Jeff Brock, president of Emerge Online Inc.; and, Rod Hiebert, president of the Telecommunications Workers Union.

The committee's recommendations were implemented by Regulation in February 1999.

- High-technology professionals are exempt from requirements on hours of work, overtime and statutory holidays.
- Workers in companies where more than half of the employees are high-technology professionals are partially exempt from these requirements. In those companies, non-professional employees will be able to work up to 12 hours per day or 80 hours over a two-week period before being paid overtime at time-and-a-half.

Workers Compensation (Occupational Health and Safety) Amendment Act (Bill 14)

In April 1998, the Labour Minister introduced changes to the *Workers Compensation Act* based on recommendations put forward by the Royal Commission on Workers' Compensation.

Highlights of the legislation included:

- WCB's occupational health and safety mandate and the general rights and duties of employers, workers, suppliers, and other workplace parties are defined in legislation.
- The responsibility for occupational health and safety remains with the WCB. However, both the WCB and the lieutenant-governor-in-council will have regulation-making powers.

- The defence of due diligence, which allows people who contravene the legislation to demonstrate that they have taken reasonable precautions to prevent the contravention, is outlined in legislation.
- Increased protection for workers who exercise their right to refuse dangerous work from discriminatory action.
- Joint employer/worker health and safety committees are required in all workplaces with 20 or more regularly employed workers. Workplaces with 10 to 19 regularly employed workers must have a designated health and safety representative.
- Employers must provide eight hours a year of paid education leave for each health and safety committee member.
- Streamlining of penalty mechanisms.

Construction Industry Legislation

Following up on the recommendations of the Construction Industry Review Panel, government introduced a series of reforms aimed at bringing collective bargaining in the industrial/commercial/institutional portion of the construction industry in line with the rest of the country.

The amendments minimize craft jurisdictional disputes in the construction industry and streamline the collective bargaining process for newly certified craft bargaining units. Under the legislation, new craft bargaining units will be covered automatically by negotiated standard agreements in the part of the industry known as industrial/commercial/ institutional (ICI) construction.

The new bargaining framework for craft unions does not apply to residential or road construction, to unorganized workers or industrial unions such as the Christian Labour Association of Canada and the IWA-Canada. The legislation impacts about 11,000 B.C. craft workers in ICI construction, out of a total construction industry workforce of 129,000 (1997 estimates).

Strengthening Agriculture Workers' Rights

In June 1998, the Minister of Labour along with the Minister of Agriculture and Food signed a Memorandum of Understanding with the agriculture industry to protect basic worker rights, while working to strengthen the agriculture economy in British Columbia.

The agreement between the ministries of Labour and Agriculture and Food and the B.C. Horticulture Coalition established a process for consultation on regulatory issues and commits all parties to improving compliance with minimum labour standards for agriculture workers.

Employment Standards Tailored for Interior Loggers

Since 1995, when a new *Employment Standards Act* came into effect, a number of sectors have participated in the development of employment standards provisions that support economic growth and job creation without undermining the working conditions of employees. These include the transportation sector, the oil and gas sector, agriculture and the film industry.

The Employment Standards Regulation was amended in July 1998 to give log-harvesting companies operating in the B.C. interior greater flexibility to schedule work as weather and working conditions permit. Employees, some of whom have not been paid overtime in the past, will be assured of receiving overtime at time-and-one-half when they work more than eight hours in a day. The industry has been exempted from the requirement to pay double overtime.

Royal Commission on Workers Compensation - Final Report

The Royal Commission on Workers Compensation delivered its final report to government in January 1999. The 1300-page report, backed up by 8,000 pages of published research material, contained more than 200 recommendations.

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Labour Programs Division

Employment Standards Branch

	1997/98	1998/99	1999/2000
Budget*	$10,220,000	$10,494,000	$10,407,000
FTEs	137	155	149

* Includes Skills Development and Fair Wage compliance program - $733,000 and 15 FTEs provided in 1998/99; $707,000 and 14 FTEs budgeted in 1999/2000.

Major Responsibilities:

- Promoting compliance with the *Employment Standards Act*, which sets minimum standards of wage payments, overtime, vacation, statutory holidays, leaves, compensation for termination of employment, hours of work, employment of children and employment agencies
- Answering employee or employer inquiries, and receiving and investigating complaints of contravention of the legislation, and mediating or ordering appropriate action
- Administering and enforcing the *Skills Development and Fair Wage Act*, which applies to all publicly-funded construction projects with a pre-tender value of $250,000 or more
- Assisting the Collective Agreement Arbitration Bureau (CAAB) by providing settlement officers to investigate differences and assist employers and trade unions prior to arbitration hearings, and
- On behalf of the Labour Relation Board, investigating violations of collective agreements and applications for certification, supervising union certification votes when required, and other matters under the *Labour Relations Code*.

Legislative Authority:

- *Employment Standards Act*
- *Skills Development and Fair Wage Act*
- *Labour Relations Code*

Mandate:

The Employment Standards Branch ensures compliance with the *Employment Standards Act*, and the *Skills Development and Fair Wage Act*, and provides services to the Collective Agreement Arbitration Bureau (CAAB) and the Labour Relations Board (LRB).

Major Clients Served:

- Employers and employees
- Employer organizations and business organizations
- Unions and professional associations
- Human resources professionals

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- Human resources professionals

1998/1999 Highlights

- Total wages recovered on behalf of employees through voluntary compliance and litigation was over $12 million.
- The Branch held 130 speaking seminars, investigated 610 variance applications and conducted 517 payroll audits.
- The *Skills Development and Fair Wage Act* Compliance Team conducted 78 payroll audits, 725 site visits, issued 191 compliance orders and recovered total wages in excess of $550,000 on behalf of employees.

Employment Standards Branch Activity Summary

Assignments	1996/97	1997/98	1998/99
Employment Standards	21,356	14,553*	13,835
Labour Relations Board	1,408	1,097	1,161
Collective Agreement Arbitration Bureau	330	387	280

* in 1997/98 the ESB moved towards a more compliance-oriented approach rather than the previous complaint-reactive function. As a result, the number of complaints assigned for formal investigations has decreased significantly.

Employment Standards Assignments by Community April 1, 1998 to March 31, 1999

Community	Assignments Received	Assignments Closed*	Investigative Staff
Abbotsford	846	924	4
Burnaby	2148	3268	14
Port Coquitlam	997	1473	5
Cranbrook	311	673	3
Courtney	491	851	3.5
Dawson Creek	531	737	2
Kamloops	688	1378	5
Kelowna	981	1729	7
Nanaimo	901	1249	5.5
Nelson	207	423	2
Penticton	433	636	3
Prince George	912	1352	7
Surrey	1916	2265	11
Terrace	370	744	3
Vancouver: East	613	846	5.8
Vancouver: West	539	636	5
Vancouver: Downtown	1104	1210	7.5
Vancouver: North Shore	654	895	3
Vancouver: Richmond	875	886	5
Victoria	1406	2541	12
Total	**16,923**	**24,628**	**113.3**

*includes assignments outstanding from previous year

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Employment Standards Special Report: Agriculture Workers

In 1995 a revised *Employment Standards Act* was passed by the Legislature, following upon the recommendations of Commissioner Mark Thompson. For the first time, agricultural workers gained full protection under the *Employment Standards Act*.

Compliance with employment standards in the labour-intensive agriculture sector, where an estimated 10,000 workers are employed, has been an ongoing and significant issue for the Labour ministry.

Prior to 1997, the Employment Standards Branch routinely participated along with other agencies in roadside checks of vehicles being used to transport farmworkers to and from work sites.

In 1997, the ministry of labour committed resources to a compliance team with three main objectives: to ensure all Farm Labour Contractors (FLCs) were licensed; to ensure they were bonded for the right number of people; and to ensure that workers are paid according to the *Employment Standards Act*.

Compliance team staff visited agriculture sites throughout the Lower Mainland, on Vancouver Island and in the Okanagan.

Work site information sessions were conducted, training sessions for producers and Farm Labour Contractors were held, and information was distributed to employees.

During the 1998 season, nine farm payroll reviews and 179 FLC payroll reviews were conducted. As a result of these investigations, penalties in excess of $44,000 were issued and 30 FLCs had their licences cancelled.

In June 1998, the Minister of Labour along with the Minister of Agriculture and Food, signed a memorandum of understanding with the agriculture industry to protect basic worker rights, while working to strengthen the agriculture economy in British Columbia.

The agreement between the ministries of Labour and Agriculture and Food and the B.C. Horticulture Coalition established a process for consultation on regulatory issues and commits all parties to improving compliance with minimum labour standards for agriculture workers.

Legislative Authority:

- *Pension Benefits Standards Act*

Mandate:

The Superintendent of Pensions and the Pension Standards Branch are responsible for the administration of the *Pension Benefits Standards Act*.

The Act is designed to protect the interests of British Columbia pension plan members by setting minimum standards for British Columbia pension plans in areas such as funding, disclosure to members, eligibility, vesting, survivor benefits and portability.

The Superintendent also approves locked-in Registered Retirement Savings Plan and Life Income Fund contracts offered by financial institutions.

Major Clients Served:

- Pension plan members
- Pension plan administrators

Pension Standards Branch

	1997/98	1998/99	1999/2000
Budget	$536,000	$571,000	$629,000
FTEs	8	8	8

Major Responsibilities:

- Administering the *Pension Benefits Standards Act* and Regulation in the interests of B.C. pension plan members
- Ensuring all B.C. pension plans meet the minimum standards set out in the Act and Regulation
- Safeguarding pension plan members from undue loss by ensuring that plans are adequately funded according to standards set out in the Act and Regulation
- Providing advice and information to pension plan members and plan administrators
- Monitoring B.C. pension plans, and responding to inquiries from pension plan members, employers and their representatives and other interested parties
- Working with other Canadian pension jurisdictions to harmonize pension legislation
- Providing advice to the Minister and Superintendent on the administration of the Act and legislative changes, and promoting awareness of pensions and retirement income planning among employers and employees, through the Pension Benefits Standards Advisory Council (established under section 3 of the Act).

1998/99 Highlights

- Registered 39 new pension plans, reviewed and identified deficiencies in 22 other new pension plans.
- Reviewed and approved the wind up of 42 terminated plans.

Legislative Authority:

- *Pension Benefits Standards Act*

Mandate:

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- Reviewed and approved the wind up of 42 terminated plans.

- Monitored all ongoing plans through the required filing of annual information returns, financial statements and actuarial valuation reports. As of fiscal year end a total of 970 pension plans were registered with the Branch.
- Reviewed 612 applications for registration of plan amendments, and registered 561 of them.
- Responded to approximately 600 written inquiries and requests for interpretation of the Act and Regulation.
- Reviewed 42 new locked-in Registered Retirement Savings Plan (RRSP) contracts and 39 new Life Income Fund (LIF) contracts Reviewed approximately 150 applications for approval of changes to existing RRSP and LIF contracts. As of fiscal year end the Superintendent's list of approved contracts contained 392 locked-in RRSP contracts and 199 LIF contracts.
- Reviewed and analyzed 138 pension plan actuarial valuation reports to determine the adequacy of funding for pension benefits.
- A few pension plans required close scrutiny during the year, with the Branch actively participating in the resolution of funding problems and other issues.
- Staff received comprehensive training and developed policies and procedures for on-site examinations of pension plans. Staff conducted on-site examinations of two pension plans.
- Continued improvements were made to the Pension Standards Management Information System and database, and the Branch statistical report was updated.
- The Superintendent and staff conducted seminars and addressed several industry groups regarding requirements of the Act and rights of pension plan members.
- The Pension Benefits Standards Advisory Council made recommendations for changes to the Act, and unanimously recommended amendments to improve member protection, reduce administrative costs, and enhance the financial health of B.C. pension plans. Some amendments to the Act were passed and brought into force during the 1998/1999 fiscal year, with more substantial changes to the Act and Regulation recommended for the following year.

Mandate:

The Labour Policy and Program Development Branch provides policy advice and program development support to senior ministry officials, the Labour Programs and Labour Relations divisions, and other program areas of the ministry, regarding all acts and policies of the Ministry of Labour.

Major Clients Served:

- Minister of Labour and Cabinet
- All program areas in the Ministry of Labour

Labour Policy and Program Development Branch

	1997/98	1998/99	1999/2000
Budget	$727,000	$671,000	$649,000
FTEs	10	10	10

Major Responsibilities:

- Providing labour-related information and analysis to the Minister, the ministry's senior officials and associated boards and commissions.
- Developing legislation and legislative amendments.
- Participating in inter-ministry and inter-governmental projects and committees.
- Providing information upon request to client groups, including employers, trade unions, business organization, labour lawyers, academics and the public.
- Publishing the *BC Labour Directory* annually (available from Crown Publications).
- Maintaining a library comprising a core collection of books, periodicals and electronic sources to assist ministry staff, staff of other ministries and the general public.

1998/99 Highlights

- Developed the *Workers Compensation (Occupational Health & Safety) Amendment Act* in response to the First Report of the Royal Commission on Workers' Compensation in B.C. The Act received Royal Assent in July 1998.
- Worked with the Pension Benefits Standards Branch and the Pension Benefits Standards Advisory Council to introduce changes to the *Pension Benefits Standards Act*. These changes were initiated to protect B.C. pension plan members and their funds as well as to bring provincial legislation in line with recent changes to the federal *Income Tax Act*.

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- Developed Part 4.1 of the *Labour Relations Code Amendment Act*, 1998. This part established a new collective bargaining structure for craft bargaining units within the unionized component of the B.C. construction industry.
- Conducted employment standards sector consultations for B.C.'s high technology and agriculture industries.
- Developed an Employment Standards Regulation for the B.C. high technology industry and amended the Regulation for the B.C. agriculture industry.
- Developed legislative amendments to streamline and provide greater clarity in the *Hairdressers Act* (later the *Cosmetologists Act*).
- Provided policy analysis and support for the Industry Training and Apprenticeship Commission (ITAC). Research contributed to a regulation prescribing criteria for trades and occupation designations and the expansion and coordination of trades training.
- On behalf of the Province, and as part of the Canadian response, provided feedback and reports to the International Labour Organization (ILO) on the following topics:
  - Hours of work in industry
  - Freedom of association and protection of the rights to organize
  - Equal remuneration
  - Employment policy
  - Minimum standards in merchant ships
  - Forced labour
  - Tri-partite consultation on international labour standards
  - Occupational safety and health
  - International standards on the prohibition and immediate elimination of the worst forms of child labour
  - General conditions to stimulate job creation in small and medium-size enterprises
  - Home work

Financial Operations Branch

The Manager of Financial Operations is responsible for forecasting, monitoring and reporting on the budget for the Ministry of Labour. This includes the preparation of executive financial summary documents, expenditure and revenue reports, decision papers and other material required to reconcile and assist the annual budget process.

The Manager, along with one support staff, works closely with the Management Services Division to ensure ministry requirements are planned and met in the areas of expenditures and revenue, trust accounts, facilities, vehicles and data systems, and in the management of FTEs (staffing allocations measured as 'full-time equivalents').

Collective Agreement Arbitration Bureau

	1997/98	1998/99	1999/2000
Budget	$238,000	$146,000	$157,000
FTEs	3	3	2

Major Responsibilities:

- Appointing settlement officers and arbitrators to resolve grievances between employers and trade unions during the term of a collective agreement.
- Training and educating arbitrators and settlement officers.
- Researching and publishing information concerning arbitration and settlements.
- Maintaining a register of arbitrators.

A joint advisory committee appointed by the Minister of Labour under Section 83 of the *Labour Relations Code* provides advice to the Director on these matters.

Activity Summary:

Applications Received by Labour Relations Code Section

Application Type	1996/97	1997/98	1998/99
Section 86: arbitrator appointments	101	111	94
Section 87: settlement officer	224	234	202
Section 104: expedited arbitration	573	676	616
Section 105: mediator-arbitrator	17	12	9
Total	**915**	**1,033**	**921**

Legislative Authority:

- *Labour Relations Code*, Sections 83, 86, 87, 104 and 105

Mandate:

The Collective Agreement Arbitration Bureau (CAAB) was established under Section 83 of the *Labour Relations Code* to ensure that unresolved mid-contract disputes between employers and trade unions are settled fairly and promptly.

The Bureau receives applications by either party, under specific sections of the Code, to appoint an arbitrator (Section 86), appoint a settlement officer to assist the parties in settling the difference (Section 87), resolve a difference by expedited arbitration (Section 104) and refer a grievance to a mediator-arbitrator for an expeditious and informal resolution (Section 105).

Major Clients Served:

- Trade unions and councils of trade unions
- Employers and employer bargaining associations

Collective Agreement Arbitration Bureau

	1997/98	1998/99	1999/2000
Budget	$238,000	$146,000	$157,000
FTEs	3	3	2

Major Responsibilities:

- Appointing settlement officers and arbitrators to resolve grievances between employers and trade unions during the term of a collective agreement.
- Training and educating arbitrators and settlement officers.
- Researching and publishing information concerning arbitration and settlements.
- Maintaining a register of arbitrators.

A joint advisory committee appointed by the Minister of Labour under Section 83 of the *Labour Relations Code* provides advice to the Director on these matters.

Activity Summary:

Applications Received by Labour Relations Code Section

Application Type	1996/97	1997/98	1998/99
Section 86: arbitrator appointments	101	111	94
Section 87: settlement officer	224	234	202
Section 104: expedited arbitration	573	676	616
Section 105: mediator-arbitrator	17	12	9
Total	**915**	**1,033**	**921**

Legislative Authority:

- *Labour Relations Code*, Sections 83, 86, 87, 104 and 105

Mandate:

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Major Clients Served:

- Trade unions and councils of trade unions
- Employers and employer bargaining associations

1998/99 Highlights

Section 87: appointment of a settlement officer

- Approximately 6 out of 10 cases resulted in a settlement.

Section 104: expedited arbitration

- Over 70 percent of cases resulted in a settlement rather than an arbitrator's award.
- Applications were received from a wide variety of industries, with 62 percent from the public sector.
- Applications were received from bargaining units of all sizes, but 44 percent of cases were from bargaining units of more than 100 members.

Expedited Arbitration Applications by Type of Grievance (Sec. 104)

Grievance type	1996/97	1997/98	1998/99
Benefits Entitlement	52	65	57
Class Size	5	9	3
Contract Interpretation	2	3	5
Discipline/Dismissal	159	198	177
Hours of Work/Scheduling	25	29	37
Job Classification/Pay Rate	41	26	28
Job Postings/Selection	71	75	71
Layoff/Displacement	30	35	31
Management Rights	2	3	8
Non-payment of Dues	34	41	39
Payment of Wages	33	28	17
Suspension/Reprimand	43	46	47
Work Jurisdiction	42	48	33
Other	34	70	63
Total	**573**	**676**	**616**

Requests for a Settlement Officer by Type of Grievance (Sec. 87)

Grievance Type	1996/97	1997/98	1998/99
Benefits Entitlement	20	8	15
Contract Interpretation	1	2	0
Discipline/Dismissal	60	69	51
Hours of Work/Scheduling	22	14	14
Job Classification/Pay Rate	6	16	20
Job Postings/Selection	39	24	28
Lay-Off	13	21	8
Management Rights	1	2	2
Non-payment of Dues	2	5	6
Payment of Wages	20	21	11
Suspension/Reprimand	22	21	23
Work Jurisdiction	11	10	19
Other	7	21	5
Total	**224**	**234**	**202**

1998/99 Highlights

Section 87: appointment of a settlement officer

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Section 104: expedited arbitration

- Over 70 percent of cases resulted in a settlement rather than an arbitrator's award.
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Expedited Arbitration Applications by Type of Grievance (Sec. 104)

Grievance type	1996/97	1997/98	1998/99
Benefits Entitlement	52	65	57
Class Size	5	9	3
Contract Interpretation	2	3	5
Discipline/Dismissal	159	198	177
Hours of Work/Scheduling	25	29	37
Job Classification/Pay Rate	41	26	28
Job Postings/Selection	71	75	71
Layoff/Displacement	30	35	31
Management Rights	2	3	8
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Work Jurisdiction	11	10	19
Other	7	21	5
Total	**224**	**234**	**202**

Referrals by Industry Sector (Section 86, 87, 104 and 105)

Industry Sector	1996/97	1997/98	1998/99
Accom./Food & Bevg. Serv.	113	137	145
Agriculture	4	6	5
Banking/Finance/Insurance	7	19	9
Business & Consulting Services	1	1	0
Communications & Utilities	15	7	11
Construction	63	71	63
Fishing	6	7	7
Logging and Forestry (Woodlands)	5	3	6
Mining/Quarrying	55	114	51
Manufacturing	23	30	21
Food/Beverage/Tobacco	8	10	20
Wood	33	27	28
Pulp & Paper	20	9	2
Printing & Publishing	13	18	45
Oil Products/Metals/Chemicals	28	13	14
Equipment Manufacture/Repair	20	31	32
Retail Trade	114	91	61
Transportation/Storage	56	77	62
Wholesale Trade	14	8	7
Film & TV Productions	16	7	12
Provincial Government	1	4	6
Municipal Government	79	84	90
Primary & Secondary Education	31	109	82
Post-Secondary Education	62	27	32
Health & Social Services	78	57	47
Miscellaneous	46	46	63
Total	**911**	**1,013**	**921**

Legislative Authority:

- *Workers Compensation Act*

Mandate:

Workers' Advisers are appointed under Section 94 of the *Workers Compensation Act* to advise and assist clients in resolving their problems with the Workers' Compensation Board (WCB).

Major Clients Served:

- Injured workers who have WCB claims, their dependants and survivors
- Professional associations, union representatives, and injured workers' associations

Workers' Advisers Branch

	1997/98	1998/99	1999/2000
Budget*	$2,785,000	$2,954,000	$3,049,000
FTEs	40	40	40

*Under Section 94 of the *Workers Compensation Act*, the Ministry's Compensation Advisory Services branches (Workers' Advisers and Employers' Advisers) are funded through recoveries from the Workers' Compensation Board (WCB) Accident Fund.

Major Responsibilities:

- Workers' Advisers provide specialized and independent advice regarding the appeal system and matters involving the interpretation of the Act.
- Advisers meet with senior WCB officials to resolve claims issues and avoid unnecessary appeals.
- Clients are provided with representation in cases involving complex legal, medical or policy issues where there is no alternative representative, and where there is merit.
- Advisers make recommendations to the Panel of Public Administrators on matters of WCB policy, practice and systemic issues.
- Advisers provide training to public groups on various aspects of the Workers Compensation system.

Mission Statement:

As an independent advisory body:

- To work towards an equitable and just system of Workers' Compensation which fairly serves the needs of workers and their dependants in a timely fashion; and
- To provide high quality services to the public and clients in a responsive, innovative and non-bureaucratic environment.

Major activities in a high volume, client demand driven environment include:

- Performing claim file reviews to determine issues, analyze evidence, correct errors, and gathering evidence to assess appeal merit.
- Providing independent, expert oral and written advice to injured workers and their dependants on complex appeal and claims issues, WCB policies, and the interpretation of the Act.
- Assisting clients with reconsideration requests and problem-solving with the WCB.
- Providing direct assistance to clients with their appeal preparation.
- Conducting telephone and personal interviews and regional visits.
- Providing written submissions in support of injured workers' appeals to the Appeal Tribunals.
- Preparing and making oral representations on appeal to the Appeal Tribunals.
- Providing constructive feedback to local WCB management on service problems faced by clients.
- Preparing and presenting effective training to professional associations, unions, injured workers' groups and government.
- Researching and preparing advice to senior WCB management and the Panel of Administrators on policy and practice issues.

1998/99 Highlights

- Priorized and participated in policy reform, advised on public consultation, and assisted with policy reviews.
- Assisted the public in accessing and understanding the Report of the Royal Commission on Workers Compensation.
- Assisted other jurisdictions (national and international) with information on the Worker Adviser model of service to the public.

Client Feedback...

"I want you to be informed of the top notch professional service I have received from all the staff over the past 2 years."

"I wish to express my eternal gratitude to you and your staff, not only for all of the effort put in on my behalf but also for the encouragement and advice. I went through a lot of discouragement and depression during this ordeal and without your support I would never have been able to continue."

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Training Feedback...

"The session was very informative and I look forward to attending more training sessions in the future."

"I think this was an excellent presentation. The presenters involved the participants in the process."

"The excellent presentation was very straight forward and practical."

- Researched site options and completed relocation of the Victoria office, co-locating with the Employers' Advisers.
- Initiated a complete review of training modules to improve province-wide training for injured workers, unions, professional associations, etc..
- Initiated a review of the WCB's new e-file system and provided feedback on its strengths and weaknesses, and prepared for its application in the Workers Advisers' Offices.
- Provided feedback to the WCB on its Case Management model of service to injured workers.
- Raised systemic and administration problems with WCB management to attempt to resolve issues of delay, entitlement, and service delivery.
- Initiated an ongoing review and revision of Workers' Advisers publications to ensure plain language is used throughout.
- Began preparations for the policy/legal implications of Bill 14.
- Assisted widows/dependants in understanding ramifications of Workers Compensation Review Board, Appeal Division, and Supreme Court of Canada decisions.

Activity Summary:

	1996/97	1997/98	1998/99
Workers' Inquiries	82,465	98,939	92,457
Total Active Files	21,697	20,622	22,139
WCRB Board Hearings	272	254	215
WCRB Submissions	304	297	293
WCB Appeal Division Hearings	29	34	26
WCB Appeal Division Submissions	269	289	282
WCB Submissions	513	411	533
Procedural Requests	1,531	1,525	1,636
Assistant Activities	4,499	4,045	4,350
Appointments	2,918	2,867	2,491
Unions/Associations Assisted	96	96	96
Referrals from Minister's Office	54	62	39

Employers' Advisers Branch

	1997/98	1998/99	1999/2000
Budget*	$1,526,000	$1,605,000	$1,630,000
FTEs	20	20	20

*Under Section 94 of the *Workers Compensation Act*, the Ministry's Compensation Advisory Services branches (Employers' Advisers and Workers' Advisers) are funded through recoveries from the Workers' Compensation Board (WCB) Accident Fund.

Major Responsibilities:

- Responding to telephone or written inquiries about workers' compensation legislation, decisions, appeals, and related matters.
- Preparing submissions to the Workers' Compensation Board (WCB), Workers' Compensation Review Board (WCRB), WCB Appeal Division, and Medical Review Panels, and assisting employers in cases involving complex legal, medical or policy matters at inquiries conducted throughout British Columbia.
- Advising employers dealing with the Assessment Department of the WCB regarding new registrations, incorrect classifications, rating problems, cost relief and appeals.
- Assisting employers in dealing with the Accident Prevention Division of the WCB, including presentation before penalty hearings or Appeal Division appeals.
- Conducting training seminars and public speaking engagements on occupational health and safety issues, joint management/worker accident prevention, claims management, understanding assessments, and how to prepare and present appeals.
- Meeting with WCB officials to review and make recommendations to the Policy Department, Executive, and Panel of Public Administrators.

Legislative Authority:

- *Workers Compensation Act*

Mandate:

Employers' Advisers are appointed under Section 94 of the *Workers Compensation Act* to provide independent advice, assistance, representation and training to employers, potential employers, and employers' associations concerning workers' compensation issues.

Major Clients Served:

- Small and medium size employers, potential employers, and employers' associations

Training Feedback...

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Client Feeback

"Thank you does not seem to be adequate to express our appreciation to your staff for the excellent presentation. The outstanding job of answering questions and their obvious understanding of the Regulation, was an excellent recommendation for the service of your office."

"A very extensive and informative session, Thank you for taking the time or such important issues "

"My general familiarity with WCB/related issues made it very difficult to meaningfully assess the potential impact arising from the claim. The Advisers analysis of the employer's liability was invaluable to our associated decision making."

"The Advisers vast knowledge in this area has been an extreme asset to our cause and there is no doubt in my mind that the successful outcome was directly attributed to the Advisers' effort."

"Thank you for delivering another great seminar and making a complicated subject clear and easy to understand."

1998/99 Highlights

- Employer Inquiries increased 12.5 percent over 1997/98.
- Employer training/information seminars increased 29 percent over 1997/98. Advisers conducted 326 seminars throughout British Columbia on claims, assessment and occupational health and safety programs.
- Preliminary preparations undertaken to prepare for the introduction of new occupational health and safety legislation. (Bill 14).
- Advisory staff supplied information on numerous subjects for the Royal Commission on Workers' Compensation.
- The first phase of the Employers' Advisers Office web page was activated the later part of March 1999. The second and third stage is currently under development and should be finalized towards the end of the 1999.
- A co-op student was hired to survey employers and collect data regarding the services of the Employers' Advisers Office. The Labour Market Analysis Report was well received by the employer community and very supportive of the Employers' Advisers Office and its role in the Compensation system. The report will be very helpful in determining the future direction of the Employers' Advisers Office and the development of a business plan.

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ACTIVITY SUMMARY

	1996/97	1997/98	1998/99
Employer Inquiries	47,637	87,719	97,879
FilePreparation/Review			
Claims	6,297	5,960	6,109
Occupational Health and Safety	961	837	858
Assessments	722	937	822
Hearing Attendance			
Review Board	58	33	43
Appeal Division	16	8	11
WCB	46	55	51
Submissions	476	365	470
Training Seminars	130	252	326
Employers Attending Seminars	2,172	4,288	6,541
Active Files[1]	674	727	724

[1] This figure now reflects what was previously reported as New Files, Open files and Re-opened Files, as they are all considered as Active Files. The number of Closed Files is no longer reported as they are often transitory.

Labour Relations Division

The Labour Relations Division is the principle liaison between the Labour Ministry and independent agencies such as the Labour Relations Board, the Workers' Compensation Board, and the Industry Training and Apprenticeship Commission. The Division also plays an important role in creating a positive labour relations climate in British Columbia and helping in the resolution of industrial disputes.

The Labour Relations Division facilitates relations between various stakeholders in the labour relations community. It also provides advice to government on labour relations matters.

The B.C. film sector is an important part of the provincial economy. During 1998 and 1999, the Labour Relations Division was actively involved in working with the B.C. Council of Film Unions, the BC Producers Branch of the Canadian Film & Television Production Association and others in the B.C. film and television sector in negotiation of a master collective agreement.

The Division is also responsible for overseeing implementation of ministerial directives made under the *Labour Relations Code* such as appointments of Special Mediators and Industrial Inquiry Commissions (Sections 78, 79) and designation of 'essential services' (Section 72).

Special Mediators work with parties to resolve disputes where the normal collective bargaining process has not resulted in a collective agreement. Industrial Inquiry Commissioners are appointed to inquire into, and make recommendations for resolution of labour disputes or other labour relations matters.

Under the essential services process, parties to a labour dispute apply to the Labour Relations Board for essential services designation. The Board investigates and presents its findings to the Minister of Labour.

If the Minister considers that a dispute poses a threat to the health, safety or welfare of the residents of British Columbia, the Minister provides direction to the Board to designate services essential.

In 1998/1999, Special Mediators were appointed in a number of labour disputes affecting public services and the public interest:

- Canadian Union of Public Employees and Capital Region Housing Corporation
- B.C. Nurses Union and Health Employers Association of B.C.
- B.C. Ferry and Marine Workers Union and B.C. Ferry Corporation.
- Office and Professional Employees Union and B.C. Transit.

Essential service levels were established in health care and on the British Columbia ferry system.

M121

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Agencies, Boards and Commissions

Legislative Authority:

- *Employment Standards Act*, Part 12
- *Skills Development and Fair Wage Act*

Mandate:

- Decide appeals of Determinations issued by the Director of Employment Standards; and,
- Make recommendations to the provincial Cabinet about exclusions of classes of persons from all or part of the *Employment Standards Act* or Regulation.

Major Clients Served:

- Employers and employees and their representatives
- Minister of Labour and Cabinet
- Director of Employment Standards and delegates of the Director

Employment Standards Tribunal

	1997/98	1998/99	1999/2000
Budget*	$649,000	$661,000	$723,000
FTEs	4	4	5

Major Responsibilities:

The Employment Standards Tribunal was established in November 1995 under Part 12 of the *Employment Standards Act*. The Tribunal is the only body with the legal authority to conduct an appeal of a Determination. Determinations cannot be appealed to the Courts.

Appeals are conducted by Adjudicators appointed by the Chair of the Tribunal as independent decision-makers to review the evidence and then issue a binding decision.

The Tribunal may make a decision on an appeal based either on the written submissions of the parties or following an oral hearing.

The Tribunal may also refer an appeal to a Settlement Officer to attempt to resolve the appeal without a formal decision.

The Chair, along with an equal number of members representing employees and employers, may also make recommendations to Cabinet about exclusions of classes of persons from the *Employment Standards Act* or Regulation.

The Chair may make a recommendation based solely on the written submissions of the parties, or an oral hearing may be convened. Members of the Tribunal are appointed by the Minister of Labour.

Agencies, Boards and Commissions

Employment Standards Tribunal

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- *Skills Development and Fair Wage Act*

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FTEs	4	4	5

Major Responsibilities:

The Employment Standards Tribunal was established in November 1995 under Part 12 of the *Employment Standards Act*. The Tribunal is the only body with the legal authority to conduct an appeal of a Determination. Determinations cannot be appealed to the Courts.

Appeals are conducted by Adjudicators appointed by the Chair of the Tribunal as independent decision-makers to review the evidence and then issue a binding decision.

The Tribunal may make a decision on an appeal based either on the written submissions of the parties or following an oral hearing.

The Tribunal may also refer an appeal to a Settlement Officer to attempt to resolve the appeal without a formal decision.

The Chair, along with an equal number of members representing employees and employers, may also make recommendations to Cabinet about exclusions of classes of persons from the *Employment Standards Act* or Regulation.

The Chair may make a recommendation based solely on the written submissions of the parties, or an oral hearing may be convened. Members of the Tribunal are appointed by the Minister of Labour.

1998/99 Highlights

During this fiscal year:

- The amount of money in dispute in cases has ranged from $15 to $1.7 million.
- The average time to decide an appeal is 99 days. For a decision made without an oral hearing, it is 76 days on average.
- In cases settled without a formal hearing, settlements per person ranged from $50 to $60,000.00.
- The Tribunal trained and selected adjudicators as required.
- The Case Management and Appeals Tracking System (CMATS) was upgraded and enhanced .
- Upgraded information brochures and pamphlets on the Tribunal's hearing process.
- Brochures were produced outlining information on the settlement process and the process for referring a matter back to the Director of Employment Standards for further investigation.
- Four Tribunal decisions were upheld by the B.C. Supreme Court on judicial review.

Activity Summary:

	1996/97	1997/98	1998/99
Appeals Received	810	901	835
Appeals Decided	697	692	833
Written Decisions Published	484	455	622
Files Settled Without a Formal Decision	94	184	186

Workers' Compensation Board

The Workers' Compensation Board (WCB) is an independent administrative agency that operates under the authority of the *Workers Compensation Act* and administers the Act for the Ministry of Labour.

The WCB is dedicated to the safety, protection and good health of workers in British Columbia and is funded by employers in industries covered by the Act. The WCB produces its own annual report, which details its activities.

Workers' Compensation Review Board

The Workers' Compensation Review Board (WCRB) is an independent tribunal set up under Sections 89, 90 and 93 of the *Workers Compensation Act* to hear appeals regarding decisions made by the Workers' Compensation Board (WCB).

The WCRB produces its own annual report, which details its activities.

Labour Relations Board

The Labour Relations Board's mandate is to regulate the acquisition of collective bargaining rights, to resolve complaints brought before it under the *Labour Relations Code*, and to assist employers and employees in reaching collective agreements.

The Labour Relations Board (LRB) also produces its own annual report, which provides a comprehensive account of its activities.

Industry Training and Apprenticeship Commission

The Industry Training and Apprenticeship Commission (ITAC) was created in November 1997 as a provincial government-sponsored, industry-driven, arms-length strategic policy board.

ITAC's mandate is to revitalize industry training and apprenticeship in British Columbia, to increase existing apprenticeships and to expand into new occupations.

The ITAC produces its own annual report, which details its operations.

Communications Branch

	1997/98	1998/99	1999/2000
Budget	$347,000	$248,000	$253,000
FTEs	3	3	4

Major Responsibilities:

- To identify opportunities for effective, timely communication of ministry programs and policies.
- To take a leading role in anticipating major issues and to ensure that the Minister is prepared to respond appropriately to questions from the Opposition, the news media, and the public.
- To provide communication planning services that support both the ministry's corporate objectives and the broader, strategic priorities of government with aggressive, effective communication initiatives.
- To design and implement programs, initiatives or strategies that serve to inform the general public about ministry programs, services and policies.
- To provide professional counsel to ministry Executive and program staff in developing communication opportunities and materials and in integrating communications planning with program development and management.
- To develop and maintain cooperative working relationships with client groups in order to promote a better understanding of ministry policies and programs, and to facilitate improved communication initiatives.
- To evaluate the effectiveness of ministry communications.

Mandate:

The Communications Branch provides leadership in the development, implementation and evaluation of all ministry communications, in a timely, cost-effective and consistent manner.

Major Clients Served:

- All areas of the ministry involved in program development and/or delivery
- B.C. Communications Division, other ministries, Office of the Premier
- News media, general public

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- To design and implement programs, initiatives or strategies that serve to inform the general public about ministry programs, services and policies.
- To provide professional counsel to ministry Executive and program staff in developing communication opportunities and materials and in integrating communications planning with program development and management.
- To develop and maintain cooperative working relationships with client groups in order to promote a better understanding of ministry policies and programs, and to facilitate improved communication initiatives.
- To evaluate the effectiveness of ministry communications.

1998/99 Highlights

- The Communications Branch supported key Ministry and Government initiatives by providing media relations, writing and publications, event planning for announcements and web site development.
- The Branch developed informational materials and programs around legislative and regulatory changes and worked with a number of program areas in the Ministry to develop and improve information materials and client education programs.
- Branch staff participated in the development and implementation of cross-government web site standards.
- The Communications branch was responsible for final production and distribution of the final report of the Royal Commission on Workers Compensation in British Columbia.

Management Services Division

The Management Services Division delivers corporate support services to the ministry, including: financial and administrative services; freedom of information and protection of privacy advice and support; information management; and, human resources services.

Following a government restructuring in February 1996, all management services for the Ministry of Labour were provided by a central division which also provides management services to the Ministry of Education; the Ministry of Advanced Education, Training and Technology; and, the Industry Training and Apprenticeship Commission.

Finance and Administrative Services Branch

Major Responsibilities:

The Finance and Administrative Services Branch is responsible for managing all financial services, facilities and assets for the ministry. This includes:

- Developing and supporting the ministry budgetary process.
- Providing direction to the ministry regarding financial policies, procedures, financial systems and contracts.
- Managing accounts payable for the ministry, including reimbursement of staff expenses and supplier and client payments.
- Managing revenue collection functions.
- Managing ministry payroll functions.
- Managing 28 facilities and assets for the ministry.

Information and Privacy Branch

The Information and Privacy Branch provides freedom of information and protection of privacy advice to the ministry and agencies, boards and commissions associated with the ministry. It also assists ministry divisions and branches with the implementation of the standard government records management system used to classify, store, and dispose of all records.

Major Responsibilities:

The branch is responsible for managing all recorded information resources within the ministry, ensuring compliance with the *Freedom of Information and Protection of Privacy Act* (FOIPP); the *Document Disposal Act*; Government Management Operating Policy and associated central agency and ministry policy and procedures. This includes:

- Receiving and processing requests for records in accordance with the FOIPP Act.
- Providing advisory services on information access and the protection of privacy to senior management.
- Coordinating the development of Operational Records Classification Systems (ORCS) for all ministry programs.
- Coordinating the implementation of the Administrative Records Classification System (ARCS) and Operational Records Classification Systems (ORCS) throughout the ministry.
- Exercising signing authority for applications for storage disposal or transfer of custody of ministry program records.
- Developing, coordinating and implementing policies and procedures.
- Delivering related training programs throughout the ministry.

Information Management Branch

The Information Management Branch provides comprehensive strategic and operational support services for all ministry activities which include the use of information technology.

The Ministry of Labour is supported by a dedicated unit within the branch which is comprised of a half-time client manager, a senior business analyst and two programmer/ analysts. In addition, the Industry Training and Apprenticeship Commission (ITAC) is supported by one programmer/analyst.

The ministry also draws upon the technical breadth and depth of the larger group which also provides management services to the Ministry of Education, Ministry of Advanced Education, Training and Technology, and the ITAC.

Major Responsibilities:

The Labour Systems group is responsible for providing strategic systems planning, information technology budget management, project management and application management services. The Technology Management group is responsible for providing application processing and desktop support services.

Human Resources Branch

The Human Resources Branch is responsible for providing human resources services by assisting staff in each of the three ministries and the Industry Training and Apprenticeship Commission (ITAC), to attract, develop, maintain and manage a competent, responsive and creative workforce that reflects the diversity of the people of British Columbia.

Through the director of the Human Resources Branch, the Ministry of Labour is supported by two dedicated human resources advisors and two human resources technicians. As well, services are provided as needed, by specialists in classification, occupational health and safety, training and employment equity programs.

Major Responsibilities:

The Branch is responsible for:

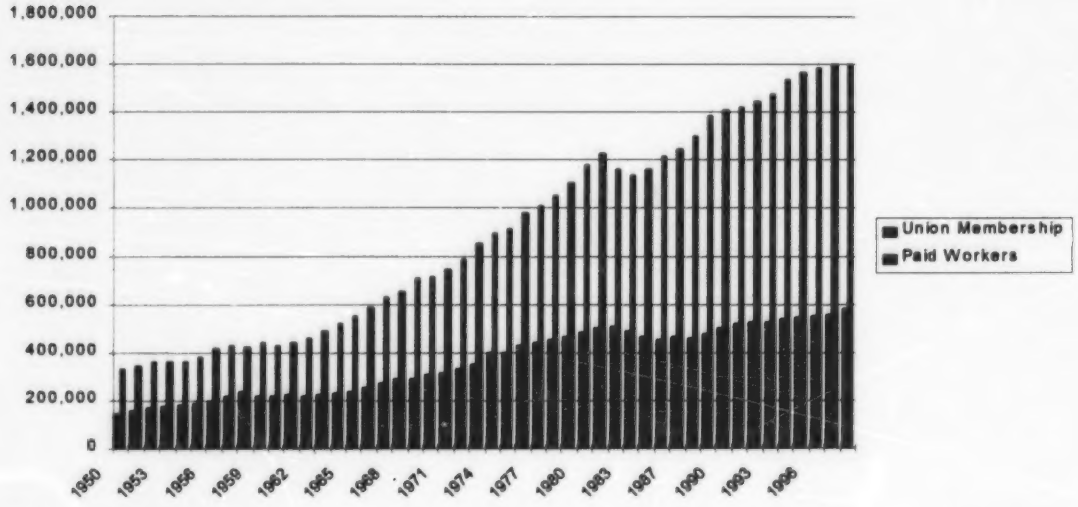
- Providing advisory services to senior management on matters pertaining to the *Public Service Act*, *Public Service Labour Relations Act*, and other related Acts, master and component agreements and the relevant terms and conditions of other employment agreements.
- Providing advice and consultation of recruitment, employee relations, labour relations, compensation, benefits, organizational planning and design, communication and support for partnerships and human resource planning and policies.
- Providing specialist human resource functions related to corporate training, occupational health and safety, employee wellness and employment equity programs.

B.C. Collective Bargaining Information

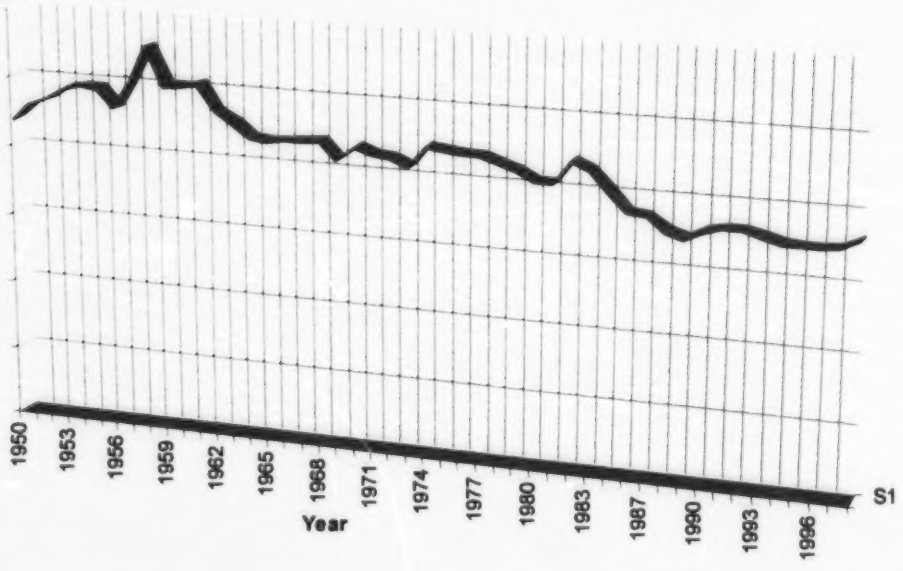
Unions with a membership in British Columbia greater than 5,000

Relative Position 1998	Union	Membership 1998	Relative Position 1997
1	Canadian Union of Public Employees	115,510	1
2	B.C. Government and Service Employees' Union and Affiliates	65,757	2
3	B.C. Teachers' Federation	44,121	3
4	Industrial, Wood and Allied Workers of Canada & Affiliates	32,154	4
5	B.C. Nurses' Union	24,289	5
6	United Food & Commercial Workers' International Union	23,912	6
7	International Brotherhood of Teamsters	18,824	7
8	National Automobile, Aerospace ... Workers (CAW)	14,277	9
9	Public Service Alliance of Canada	13,533	8
10	Hotel, Restaurant & Culinary Employees' & Bartenders' Union	13,000	10
11	Office & Professional Employees' International Union	12,831	12
12	International Union of Operating Engineers	12,709	11
13	Communications, Energy and Paperworkers Union of Canada	11,217	13
14	Telecommunications Workers' Union	10,879	16
15	Health Sciences Association of B.C.	10,729	15
16	United Brotherhood of Carpenters & Joiners of America	9,684	14
17	International Association of Machinists & Aerospace Workers	9,469	18
18	International Brotherhood of Electrical Workers	9,324	17
19	Laborers' International Union of North America	8,846	19
20	United Steelworkers of America	8,170	20
21	Christian Labour Association of Canada	6,809	21
22	Pulp, Paper & Woodworkers of Canada	6,661	22
23	Canadian Union of Postal Workers	6,455	23
24	College Institute Educators' Association	6,228	24
25	United Association of Journeymen & Apprentices of the Plumbing& Pipefitting Industry of the United States and Canada	5,400	25

Growth of paid workers and union membership - 1950 to 1998



Union membership as a percentage of paid workers - 1950 to 1998



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WORK STOPPAGES IN BRITISH COLUMBIA:
Three year comparison by industry 1996 to 1998[1]

	Stoppages			BC Workers Directly Involved			Duration in Worker Days		
	1996	1997	1998	1996	1997	1998	1996	1997	1998
TOTALS FOR ALL INDUSTRIES	35	42	41	15,911	10,606	27,291	339,648	368,008	274,130
PROVINCIAL	35	41	40	15,911	10,416	27,166	339,648	364,209	271,370
FEDERAL	0	1	1	0	190	125	0	3,799	2,760
GOODS PRODUCING	6	16	13	222	5,596	3,028	16,356	300,997	222,415
Agriculture	0	0	0	0	0	0	0	0	0
Forestry	0	0	0	0	0	0	0	0	0
Fishing	0	0	0	0	0	0	0	0	0
Mines (b)	0	1	0	0	240	0	0	137	0
Manufacturing	6	11	13	222	4,966	3,028	16,356	293,684	222,415
Construction	0	4	0	0	390	0	0	7,176	0
SERVICE PRODUCING	29	26	28	15,689	5,010	24,263	323,292	67,011	51,715
Transport (c)	8	4	3	829	1,180	316	23,915	5,228	17,776
Trade	5	3	4	11,699	71	49	285,147	1,520	1,489
Finance (d)	0	0	2	0	0	156	0	0	3,006
Community Services	10	10	10	2,919	1,482	21,484	6,453	22,858	9,916
Business (e)	6	5	6	242	107	758	7,777	2,825	10,928
Public Administration	0	4	3	0	2,170	1,500	0	34,580	8,600

(a) Preliminary (b) Includes Quarries, Oil Wells (c) Transportation, Communication & Other Utilities

(d) Finance, Insurance & Real Estate (e) Business & Personal Services

Source: Labour Policy and Program Development Branch, Ministry of Labour

Revised June 2000.

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